

1 COOLEY LLP
2 WILLIAM K. PAO (252637)
3 (wpao@cooley.com)
4 ARIANA BUSTOS (345918)
5 (abustos@cooley.com)
355 S. Grand Avenue, Suite 900
Los Angeles, CA 90071-1560
Telephone: (213) 561-3250
Facsimile: (213) 561-3244

6 BRIAN M. FRENCH (*pro hac vice*)
7 (bfrench@cooley.com)
8 RONA S. LI (*pro hac vice*)
9 (rproper@cooley.com)
10 KATHERINE BECHTEL (*pro hac vice*)
11 (kbechtel@cooley.com)
55 Hudson Yards
New York, NY 10001-2157
Telephone: (212) 479-6000
Facsimile: (212) 479-6275

12 LUKE C. CADIGAN (*pro hac vice*)
13 (lcadigan@cooley.com)
500 Boylston Street, 14th Floor
Boston, MA 02116-3736
Telephone: (617) 937-2300
Facsimile: (617) 937-2400

14 *Attorneys for Defendants John Shahidi, Nelk, Inc.,*
15 *Metacard, LLC, Nelk USA, Inc., and Kyle Forgeard*

16
17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

19
20 TRENTON SMITH and MICHAEL
21 BURROW, Individually and on Behalf
of All Others Similarly Situated,

22 Plaintiff,

23 vs.

24 JOHN SHAHIDI, NELK, INC.,
25 METACARD, LLC, NELK USA, INC.,
and KYLE FORGEARD

26 Defendants.
27
28

Case No. 8:25-cv-161-FWS-DFM

**DECLARATION OF RONA S. LI
IN SUPPORT OF DEFENDANTS'
POSITIONS IN JOINT
STIPULATION RE: PLAINTIFF'S
DISCOVERY MOTION**

1 I, Rona S. Li, hereby declare as follows:

2 1. I am an attorney at the law firm of Cooley LLP, counsel for Defendants
3 John Shahidi, Nelk, Inc., Metacard, LLC, Nelk USA, Inc., and Kyle Forgeard
4 (collectively, “Defendants”) in this action. I submit this declaration in support of
5 Defendants’ positions in the Joint Stipulation regarding Plaintiff’s discovery motion.
6 I have personal knowledge of the facts set forth in this declaration and if called upon
7 to testify, I could and would testify to such facts.

8 2. On May 22, 2025, I met and conferred with Plaintiff’s counsel Leigh
9 Montgomery. Ms. Montgomery proposed that initial disclosures be exchanged after
10 resolution of Defendants’ motion to dismiss, and I agreed. When Plaintiff’s counsel
11 John Kristensen later inquired about initial disclosures on July 8, 2025, I reminded
12 him of my agreement with Ms. Montgomery to exchange initial disclosures after the
13 motion to dismiss was decided.

14 3. On May 28, 2025, one week after Plaintiff filed his Amended Complaint
15 in this action, Plaintiff’s counsel filed a nearly identical complaint in California state
16 court asserting the same allegations, on behalf of the same putative class, against the
17 same Defendants, for the same alleged misconduct. *See Husary v. Shahidi*, No. 30-
18 2025-01487294-CU-BT-CXC (Cal. Super. Ct. June 2, 2025). The only difference is
19 a claim under California’s Unfair Competition Law, which is premised on the alleged
20 fraud and CLRA violations asserted in this action.

21 4. On July 25, 2025, I sent Plaintiff’s counsel a draft protective order, and
22 on July 28, Mr. Kristensen replied with his comments. On August 4, I sent Mr.
23 Kristensen a further revised draft protective order responding to his comments. Mr.
24 Kristensen did not respond to my email until nearly a month later.

25 5. On August 14, 2025, Mr. Kristensen sent a letter seeking a conference
26 about certain Interrogatories.

27 6. On August 22, 2025, I met and conferred with Plaintiff’s counsel
28 regarding the issues raised in Mr. Kristensen’s August 14 letter. I stated that

1 Defendants would supplement their Interrogatory responses as necessary.
2 Specifically, with regard to Interrogatory Nos. 1 and 2, I stated that Defendants would
3 remove privilege objections that were inadvertently included, and that Defendants
4 were not withholding the names of any witnesses on the basis of privilege. With
5 regard to Interrogatory No. 3 seeking the names and contact information of each
6 Metacard purchaser, I explained that due to the anonymous nature of cryptocurrency
7 transactions, Defendants did not possess such information but could provide the
8 cryptocurrency wallet addresses corresponding to the January 19, 2022 Metacard
9 sale. With regard to Interrogatory Nos. 7 and 8, I stated that Defendants would
10 supplement their responses with additional detail when they were in a position to do
11 so and reminded Plaintiff's counsel that discovery was in the early stages. I also asked
12 Plaintiff's counsel if he could provide authorities supporting some of the positions
13 taken in his August 14 letter, and I informed him that we would review any such
14 authorities.

15 7. On August 22, 2025, after the parties' conference, Mr. Kristensen sent
16 another letter seeking a conference about certain Requests for Production ("RFPs").

17 8. On August 25, 2025, Plaintiff's counsel noticed a deposition of Drew
18 Hill for September 24.

19 9. On September 1, 2025 (Labor Day), the evening before the parties'
20 scheduled discovery conference, Mr. Kristensen sent a follow-up to his August 22
21 letter raising new issues and providing new authorities that were not contained in the
22 August 22 letter. Mr. Kristensen also sent comments on the draft protective order that
23 I had emailed him on August 4.

24 10. On September 2, 2025, I met and conferred with Plaintiff's counsel
25 regarding the issues raised in Mr. Kristensen's August 22 letter. I informed Plaintiff's
26 counsel that I was not prepared to substantively discuss the new issues and points
27 raised in the letter that Mr. Kristensen had sent the night before our conference, but
28 that we could schedule another conference to discuss those issues and points. With

1 regard to the issues raised in Mr. Kristensen's August 22 letter, I stated that those
2 issues were prematurely raised because Defendants had agreed to produce
3 responsive, non-privileged documents in response to most of the RFPs at issue as
4 well as a privilege log, but discovery was still in the early stages. With regard to RFP
5 No. 1, I stated that we would ask Defendants whether there was a responsive
6 insurance policy. With regard to RFPs 29 through 55 broadly seeking all documents
7 "regarding the Metacard NFT Project and/or Bored Jerky" from various individuals,
8 I stated that those RFPs were overly broad, targeted certain individuals who had no
9 involvement with Metacard or Bored Jerky, and targeted certain other individuals
10 who are outside of Defendants' control. I further stated that, as set forth in
11 Defendants' responses to RFPs 29 through 55, Defendants would produce any
12 responsive documents within the scope of production in response to Plaintiff's other
13 RFPs. I also informed Plaintiff's counsel that Mr. Hill was not available on
14 September 24. Plaintiff's counsel agreed that Mr. Hill could be deposed on a later
15 date if the parties agreed to continue the class certification deadline.

16 11. On September 3, 2025, Mr. Kristensen sent another letter seeking a
17 conference about Interrogatory Nos. 2, 3, and 7. Mr. Kristensen's letter set forth
18 Plaintiff's position, for the first time, that the information sought in Interrogatory No.
19 3 was for class certification purposes. On September 5, 2025, I spoke with Mr.
20 Kristensen over the phone regarding the deposition of Mr. Hill and asked what
21 discovery he sought for Plaintiff's class certification motion. Mr. Kristensen did not
22 articulate what discovery he believed was necessary for class certification.

23 12. On September 9, 2025, I met and conferred with Plaintiff's counsel
24 regarding the issues raised in Mr. Kristensen's letters of August 14, August 22,
25 September 1, and September 3. Both during the conference and in a follow-up email
26 sent the same day, I asked Plaintiff's counsel to identify the discovery they thought
27 was necessary for their class certification motion so we could frontload that discovery
28 and provide it in advance of the motion deadline. I also reminded Plaintiff's counsel

1 that the parties should be focusing on class certification at this stage in the case,
2 consistent with the Court-ordered case schedule and Ninth Circuit authority.
3 Plaintiff's counsel did not identify any discovery necessary for class certification
4 beyond Interrogatory No. 3. I informed Plaintiff's counsel that we would serve a
5 supplemental response to Interrogatory No. 3 by the end of the month in advance of
6 the class certification motion deadline.

7 13. With regard to RFP No. 1, I informed Plaintiff's counsel that we had
8 conferred with our client and determined that there are no insurance policies
9 responsive to RFP No. 1.

10 14. With regard to the other issues raised in Mr. Kristensen's letters, I
11 reiterated that those issues were prematurely raised because discovery was at an early
12 stage, the parties agreed to not exchange initial disclosures until after resolution of
13 the motion to dismiss, a protective order had not been finalized, and the fact discovery
14 deadline was not until the end of April 2026 (which the parties have now agreed to
15 continue until June 10, 2026). I also reiterated that Defendants had agreed to produce
16 non-privileged documents responsive to RFPs 2-28 (with the exception of RFP 25,
17 which Plaintiff's counsel agreed to drop), as well as to RFPs 29-54 to the extent those
18 documents are within the scope of Defendants' production in response to the other
19 RFPs. Additionally, with regards to RFPs 31-55, I stated that Defendants' initial
20 disclosures would clarify which individuals were relevant witnesses and which
21 individual were Defendants' agents. I further stated that the parties could address
22 Plaintiff's concerns about the scope of production through the process of negotiating
23 custodians and search parameters, and that if Plaintiff believed there were any
24 deficiencies after reviewing Defendants' production, the parties could discuss those
25 issues at that time.

26 15. On the issue of Defendants' General Objections to the Interrogatories
27 and RFPs, I stated that we could address any concerns about which documents would
28 be produced versus withheld when the parties negotiated the parameters of discovery,

1 such as custodians and search terms. I also stated that Defendants would supplement
2 their response and/or provide a declaration if necessary to specify which documents
3 were being withheld and the basis for withholding such documents, and that
4 Defendants would produce a privilege log associated with their document
5 productions.

6 16. With regard to Interrogatory No. 2, I reiterated that Defendants would
7 supplement their response to identify additional individuals if necessary as discovery
8 proceeds. I also stated that Defendants would identify individuals likely to have
9 discoverable information relevant to the litigation in their initial disclosures as
10 required by Federal Rule of Civil Procedure 26(a), and reminded Plaintiff's counsel
11 that the parties had agreed to hold off on exchanging initial disclosures until after
12 resolution of the motion to dismiss. With regard to Interrogatory Nos. 7 and 8, I
13 reiterated that Defendants would supplement their responses with additional detail
14 when they were in a position to do so and reminded Plaintiff's counsel that discovery
15 was in the early stages.

16 17. Finally, I informed Plaintiff's counsel that we would not agree to his
17 proposed term in the protective order requiring Defendants' counsel to retain our
18 clients' documents for five years following final resolution of this action. I stated that
19 the law imposed no such obligation, and that each party could manage its own client
20 document retention decisions. I also informed Plaintiff's counsel that I would send
21 our comments on the draft protective order later that day. Plaintiff's counsel asked
22 me to discuss the proposed document retention provision with my team one more
23 time before making a final decision on that provision, and I agreed.

24 18. On September 16, 2025, Judge Slaughter dismissed the AC without
25 prejudice and granted Plaintiff leave to file an amended pleading by October 7, 2025.
26 Dkt. No. 74.

27 19. On September 17, 2025, I conferred with Mr. Kristensen, who stated
28 that Plaintiff intends to file an amended pleading. Mr. Kristensen also confirmed his

1 prior agreement to continue the case schedule and to postpone Plaintiff's deposition
2 of Drew Hill noticed for September 24 to a later date.

3 20. On September 22, 2025, Plaintiff filed the parties' joint stipulation to
4 continue the case schedule. Dkt. No. 76. Under the continued case schedule, class
5 certification briefing will conclude on January 22, 2026, and the fact discovery cut-
6 off will be June 10, 2026. *Id.* A true and correct copy of the proposed order setting
7 forth the continued case schedule is attached hereto as **Exhibit A**.

8 21. On September 22, 2025, Defendants' counsel served a supplemental
9 response to Interrogatory No. 3.

10 I declare under penalty of perjury under the laws of the United States that the
11 foregoing is true and correct. Executed this 22nd day of September 2025.

12
13 By: /s/ Rona S. Li
14 Rona S. Li
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

1 John P. Kristensen (SBN 224132)
2 **KRISTENSEN LAW GROUP**
3 120 Santa Barbara Street, Suite C9
4 Santa Barbara, California 93101
5 Telephone: (805) 837-2000
6 john@kristensen.law

7 Jarrett L. Ellzey* (Texas Bar No. 24040864)
8 Leigh S. Montgomery* (Texas Bar No. 24052214)
9 Tommy Kherkher* (Texas Bar No. 24113389)
10 Josh Sanders * (Arkansas Bar No. 2001037)
11 **EKSM, LLP**
12 4200 Montrose Blvd., Ste. 200
13 Houston, Texas 77006
14 Phone: (888) 350-3931

15 *Attorneys for Plaintiff and the Putative Class*
16 (* denotes *pro hac vice*)

17 **THE UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

19 TRENTON SMITH, individually and
20 on behalf of all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 JOHN SHAHIDI, an individual; NELK,
25 INC. dba NELK, FULL
26 SEND, a Canadian Company,
27 METACARD, LLC, a Delaware
28 Limited Liability Company; NELK
USA, INC., a Delaware Corporation;
KYLE FORGEARD, an individual,

Defendants.

Case No. 8:25-cv-00161-FWS-DFM

**[PROPOSED] ORDER GRANTING
JOINT STIPULATION TO
CONTINUE CASE SCHEDULE
FOR GOOD CAUSE**

[Filed concurrently with the Joint
Stipulation to Continue Case Schedule
for Good Cause and Declaration of John
P. Kristensen]

Complaint Filed: January 29, 2025

[PROPOSED] ORDER

Having considered the Parties' Joint Stipulation to Continue the Case Schedule for Good Cause and the supporting Declaration of John P. Kristensen, and good cause appearing, the Court **ORDERS** the June 13, 2025 Operative Schedule Order [67] **MODIFIED** to read as follows:

EVENT	DATE
Check one: <input checked="" type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial Tuesday at 8:00 a.m.	First Day: 1/12/2027
Parties' Estimated Trial Length	<u>4</u> days
Final Pretrial Conference & Hearing on Motions in Limine Thursday at 8:30 a.m.	12/10/2026
Last Date to Hear Motion to Amend Pleadings /Add Parties Thursday	
Last Date to File Motion for Class Certification	11/13/2025
Last Date to File Opposition to Motion for Class Certification	12/26/2025
Last Date to File Reply in Support of Motion for Class Certification	1/22/2026
Last Date to Schedule In-Person Hearing on Motion for Class Certification Thursday at 10:00 a.m.	3/5/2026
Non-Expert Discovery Cut-Off	6/10/2026
Expert Disclosure (Initial)	6/25/2026
Expert Disclosure (Rebuttal)	7/9/2026
Expert Discovery Cut-Off	7/23/2026
Last Date to Hear Motions Thursday at 10:00 a.m. <ul style="list-style-type: none"> • Motion for Summary Judgment (due at least 6 weeks before hearing) • All other motions (due at least 4 weeks before hearing) • Opposition (due 2 weeks after Motion is filed) • Reply (due 1 week after Opposition is filed) 	9/17/2026

[PROPOSED] ORDER GRANTING JOINT STIPULATION TO CONTINUE CASE SCHEDULE FOR GOOD CAUSE

EVENT	DATE
<p>Deadline to Complete Settlement Conference [L.R. 16-15] <input checked="" type="checkbox"/> 1. Magistrate Judge (with Court approval) <input type="checkbox"/> 2. Court's Mediation Panel <input type="checkbox"/> 3. Private Mediation</p>	10/1/2026
<p>Trial Filings (first round)</p> <ul style="list-style-type: none"> • Motions in Limine with Proposed Orders • Daubert Motions with Proposed Orders • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations containing Direct Testimony, if ordered (bench trial only) <p>Affirmative Deposition Designation(s)</p>	11/12/2026

IT IS SO ORDERED.

Dated: September ___, 2025

HON. FRED W. SLAUGHTER
UNITED STATES DISTRICT JUDGE